

RTP:NR/HDM
F. #2020R00338

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

DONALD ALLEN,

Defendant.

-----X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Commit Wire Fraud)

1. In or about and between March 2020 and April 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DONALD ALLEN, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud one or more investors and buyers and potential investors and buyers of personal protective equipment, including KN95 Filtering Facepiece Respirators and 3-Ply surgical masks, and to obtain money and property from them by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate commerce, one or more writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 02 2020 ★

LONG ISLAND OFFICE

INDICTMENT

Cr. No. **CR 20 242**

(T. 18, U.S.C., §§ 981(a)(1)(C), 1343,
1349, 2 and 3551 et seq.; T. 21, U.S.C.,
§ 853(p); T. 28, U.S.C., § 2461(c))

MAUSKOPF, CH. J.

SCANLON, M.J.

COUNTS TWO THROUGH THREE
(Wire Fraud)

2. In or about and between March 2020 and April 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DONALD ALLEN, together with others, did knowingly and intentionally devise a scheme and artifice to defraud one or more investors and buyers and potential investors and buyers of personal protective equipment, including KN95 Filtering Facepiece Respirators and 3-Ply surgical masks, and to obtain money and property from them by means of one or more materially false and fraudulent pretenses, representations and promises.

3. On or about the dates set forth below, for the purpose of executing such scheme and artifice, within the Eastern District of New York and elsewhere, the defendant DONALD ALLEN, together with others, did transmit and cause to be transmitted, by means of wire communication in interstate commerce, one or more writings, signs, signals, pictures and sounds, as set forth below:

<u>Count</u>	<u>Approximate Date</u>	<u>Description of Wire Communication</u>
TWO	April 14, 2020	Email sent by ALLEN, who was located in California, to a potential investor, whose email server was located in the Eastern District of New York, with the subject line: "3 Invoices," in which ALLEN stated, among other things, "Gentlemen, Please find the attached 3 invoices for tomorrow morning's transaction. I will confirm transportation requirements shortly."
THREE	April 15, 2020	Email sent by ALLEN, who was located in California, to a potential investor, whose email server was located in the Eastern District of New York, with the subject line: "KN95 Invoice," in which ALLEN stated, among other things, "Gentlemen, Here is the KN95 Invoice[.]"

(Title 18, United States Code, Sections 1343, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH THREE

4. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. O.136

F.#: 2020R00338
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

DONALD ALLEN,

Defendant.

INDICTMENT

((T. 18, U.S.C., §§ 981(a)(1)(C), 1343, 1349, 2 and 3551 et seq.; T. 21, U.S.C.,
§ 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Robert Rumi -----

Foreperson

Filed in open court this ----- *day,*

of ----- *A.D. 20* -----
